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**LAND DIVISION ORDINANCE**

**TOWNSHIP OF BANGOR**

**COUNTY OF VAN BUREN, STATE OF MICHIGAN**

**ORDINANCE NO. 20**

**LAND DIVISION ORDINANCE**

An ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant but not limited to Michigan Public Act 288 of 1967, as amended, and Act 246 of 1945, as amended, being the Township General Ordinance statute; to provide a procedure therefore; to repeal any ordinance or provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation of this ordinance.

**TOWNSHIP OF BANGOR**

**VAN BUREN COUNTY, MICHIGAN,**

**ORDAINS:**

**SECTION I**

**TITLE**

This ordinance shall be known and cited as the Bangor Township Land Division Ordinance.

**SECTION II**

**PURPOSE**

The purpose of this ordinance is to carry out the provisions of the State Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of the Township of Bangor by establishing reasonable standards for prior review and approval of land divisions within the township.

**SECTION III**

1 **DEFINITIONS**

2  
3 For purposes of this ordinance certain terms and words used herein shall have the  
4 following meaning:

- 5  
6 A. "Applicant" -a natural person, firm, association, partnership, corporation, or  
7 combination of any of them that holds an ownership interest in land whether  
8 recorded or not.  
9  
10 B. "Divided" or "Division" -the partitioning or splitting of a parcel or tract of land  
11 by the proprietor thereof or by his or her heirs, executors, administrators, legal  
12 representatives, successors or assigns, for the purpose of sale or lease of more  
13 than one year, or of building development that results in one or more parcels of  
14 less than 40 acres or the equivalent, and that satisfies the requirements of  
15 Sections 108 and 109 of the State Land Division Act.  
16  
17 C. "Exempt split" or "exempt division" -the partitioning or splitting of a parcel or  
18 tract of land by the proprietor thereof, or by his or her heirs, executors,  
19 administrators, legal representatives, successors or assigns, that does not result  
20 in one or more parcels of less than 40 acres or the equivalent; provided all  
21 resulting parcels are accessible for vehicular travel and utilities from existing  
22 public roads through existing adequate roads or easements, or through areas  
23 owned by the owner of the parcel that can provide such access.  
24  
25 D. "Forty acres or the equivalent" -either 40 acres, a quarter-quarter section  
26 containing not less than 30 acres, or a government lot containing not less than  
27 30 acres.  
28  
29 E. "Governing body" -the township board  
30  
31

32 **SECTION IV**

33 **PRIOR APPROVAL REQUIREMENT FOR LAND**

34  
35 Land in the township shall not be divided without the prior review and approval of the  
36 township assessor, or other official designated by the governing body, in accordance with this  
37 ordinance and the State Land Division Act; provided that the following shall be exempted  
38 from this requirement:  
39

- 40  
41 A. A parcel proposed for subdivision through a recorded plat pursuant to the  
42 State Land Division Act.  
43  
44 B. A lot in a recorded plat proposed to be divided in accordance with the  
45 Land Division Act.

- 1  
2 C. An exempt split as defined in this Ordinance.  
3

4 **SECTION V**

5 **APPLICATION FOR LAND DIVISION APPROVAL**  
6

7  
8 An applicant shall file all of the following with the township Assessor or other official  
9 designated by the governing body for review and approval of a proposed land division before  
10 making any division either by deed, land contract, lease for more than one year, or for  
11 building development:  
12

- 13 A. A completed application form on such form as may be provided by the  
14 township.  
15  
16 B. A survey map of the land proposed to be divided, prepared pursuant to the  
17 survey map requirements of 1970 Public Act 132, as amended, (MCL 54.211) by  
18 a land surveyor licensed by the State of Michigan, and showing the dimensions  
19 and legal descriptions of the existing parcel and the parcels proposed to be  
20 created by the division(s), the location of all existing structures and other land  
21 improvements, and the accessibility of the parcels for vehicular traffic and  
22 utilities from existing public roads.  
23

24 In lieu of such survey map, at the applicant's option, the applicant may waive  
25 the 45 day statutory requirement for a decision on the application until such  
26 survey map and legal description are filed with the township, and submit a  
27 tentative preliminary parcel map drawn to scale of not less than that  
28 provided for on the application form including an accurate legal description of  
29 each proposed division, and showing the boundary lines, dimensions, and the  
30 accessibility of each division from existing or proposed public roads for  
31 automobile traffic and public utilities, for preliminary review, approval, and/or  
32 denial by the locally designated official prior to a final application under  
33 Section V.  
34

35 The governing body of the township or its designated agent delegated such  
36 authority by the governing body, may waive the survey map requirement  
37 where the foregoing tentative parcel map is deemed to contain adequate  
38 information to approve a proposed land division considering the size, simple  
39 nature of the divisions, and the undeveloped character of the territory within  
40 which the proposed divisions are located. An accurate legal description of all  
41 the proposed divisions, however, shall at all times be required.  
42

- 43  
44  
45 C. Proof that all due and payable taxes or installments of special assessments



pertaining to the land proposed to be divided are paid in full.

- D. If transfer of division rights are proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- E. The fee as may from time to time be established by resolution of the governing body of the township for land division reviews pursuant to this ordinance to cover the costs of review of the application and administration of this Ordinance and the State Land Division Act.

## SECTION VI

## PROCEDURE FOR REVIEW OF APPLICATIONS FOR LAND DIVISION APPROVAL

- A. Upon receipt of a land division application package, the municipal clerk or other official designated by the governing body shall forthwith submit the same to the township assessor or other designated official for decision. The township assessor or other designee shall approve, approve with reasonable conditions to assure compliance with applicable ordinances and the protection of public health, safety and general welfare, or disapprove the land division applied for within 45 days after receipt of the application package conforming to this Ordinance's requirements, and shall promptly notify the applicant in writing of the decisions and the reasons for any denial. If the application package does not conform to this Ordinance requirements and the State Land Division Act, the assessor or other designee shall return the same to the applicant for completion and refiling in accordance with this Ordinance and the State Land Division Act.
- B. Any person or entity aggrieved by the decision of the assessor or designee may, within 30 days of said decision appeal the decision to the governing board of the township or such other board or person designated by the governing body which shall consider and resolve such appeal by a majority vote of said Board or by the designee at its next regular meeting or session affording sufficient time for a 20 day written notice to the applicant (and appellant where other than he applicant) of the time and date of said meeting and appellate hearing.
- C. A decision approving a land division is effective for 180 days, after which it shall be considered revoked unless within such period a document is recorded with the County Register of Deeds office and filed with the township supervisor or other designated official accomplishing the approved land division or transfer .
- D. The township assessor or designee shall maintain an official record of all approved and accomplished land divisions or transfers.

- 1  
2 E. The township, its officers, and Administrator shall not be liable for approving a  
3 land division if building permits for construction on parcels are subsequently  
4 denied because of inadequate water supply, sewage disposal facilities, not  
5 meeting minimum zoning requirement or otherwise, and any notice of  
6 approval shall include a statement to this effect.  
7

8 **SECTION VII**  
9

10 **STANDARDS FOR APPROVAL OF LAND DIVISION**  
11

12 A proposed land division shall be approved if, the following criteria are met:  
13

- 14 A. All the parcels to be created by the proposed land division(s) fully comply with  
15 the applicable lot (parcel), yard and area requirements of the applicable zoning  
16 ordinance, including, but not limited to, minimum lot (parcel) frontage/width,  
17 minimum road frontage, minimum lot (parcel) area, minimum lot width to  
18 depth ratio, and maximum lot (parcel) coverage and minimum set-backs for  
19 existing buildings/ structures.  
20  
21 B. The proposed land division(s) comply with all requirements of the State Land  
22 Division Act and this Ordinance.  
23  
24 C. All parcels created and remaining have existing adequate accessibility, or an  
25 area available therefor, to a public road for public utilities and emergency and  
26 other vehicles not less than the requirements of the applicable zoning  
27 ordinance, major thoroughfare plan, road ordinance or this Ordinance.  
28  
29 D. The ratio of depth to width of any parcel under 10 acres created by the division  
30 does not exceed a four to one ratio exclusive of access roads, easements, or  
31 nonbuildable parcels created under Section VIII of this Ordinance and parcels  
32 added to contiguous parcels that result in all involved parcels complying with  
33 said ratio.  
34

35 The permissible depth of a parcel created by a land division shall be measured  
36 within the boundaries of each parcel from the abutting road right of way to the  
37 most remote boundary line point of the parcel from the point of  
38 commencement of the measurement.  
39

40 The permissible minimum width shall be as defined in the applicable zoning  
41 ordinance or, in the absence thereof, as specified in subparagraph E(1) and (2)  
42 of this Ordinance.  
43

- 44 E. In the absence of applicable zoning or other ordinances providing a different  
45 standard, all parcels created by a land division shall comply with the following

1 minimum standards:

- 2
- 3 (1) Accessibility to a public roadway shall be a minimum of 66 feet
- 4 wide and the location of intersection to the public roadway shall
- 5 be approved by the County Road Commission or MDOT.
- 6
- 7 (2) A minimum width of 100 feet as measured on a line at the front
- 8 building line.
- 9
- 10 (3) A minimum lot (parcel) area of 43,560 square feet.
- 11
- 12 (4) The ratio of depth to length, width, and minimum lot (parcel)
- 13 area may be granted a variance by a majority vote of the
- 14 governing body of the township if all of the following apply:
- 15
- 16 a. each resulting parcel has frontage on a lake.
- 17
- 18 b. each resulting parcel will be compatible with surrounding
- 19 lands, with respect to width and depth.
- 20
- 21 c. each resulting parcel of less than 43,560 square feet has
- 22 an approved well and septic permit.
- 23
- 24
- 25

## 26 SECTION VIII

### 27 ALLOWANCE FOR APPROVAL OF OTHER LAND DIVISIONS

28 Notwithstanding disqualification from approval pursuant to this ordinance, a

29 proposed land division which does not fully comply with the applicable lot, yard, accessibility

30 and area requirements of the applicable zoning ordinance or this Ordinance may be approved

31 in any of the following circumstances:

32

33

- 34
- 35 A. Where the applicant executes and records an affidavit or deed restriction with
- 36 the County Register of Deeds, in a form acceptable to the township, designating
- 37 the parcel as not buildable. Any such parcel shall also be designated as not
- 38 buildable in the township records, and shall not thereafter be the subject of a
- 39 request for variance relief from the applicable lot and/or area requirements, and
- 40 shall not be developed with any structure.
- 41
- 42 B. Where the proposed land division involves only the minor adjustment of a
- 43 common boundary line or involves a conveyance between adjoining
- 44 properties which does not result in either parcel violating this Ordinance, any
- 45 applicable zoning ordinance, or the State Land Division Act.



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**SECTION IX**

**CONSEQUENCES OF NONCOMPLIANCE WITH  
LAND DIVISION APPROVAL REQUIREMENT**

Any parcel created in noncompliance with this ordinance shall not be eligible for any building permits, or zoning approvals, such as special land use approval or site plan approval, and shall not be recognized as a separate parcel on the assessment roll. In addition, violation of this ordinance shall subject the violator to the penalties and enforcement actions set forth in Section X of this ordinance, and as may otherwise be provided by law.

**SECTION X**

**PENALTIES AND ENFORCEMENT**

Any person who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 or by imprisonment in the county jail for not to exceed 90 days or by both such fine and imprisonment.

Any person who violates any of the provisions of this ordinance shall also be subject to a civil action seeking invalidation of the land division and appropriate injunctive or other relief.

**SECTION XI**

**SEVERABILITY**

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

**SECTION XII**

**REPEAL**

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed, except that this Ordinance shall not be construed to repeal any provision of the Bangor Township Building Codes.

**SECTION XIII**

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**EFFECTIVE DATE**

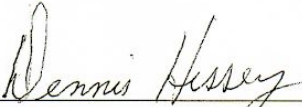
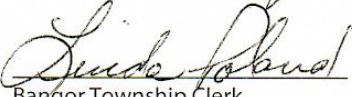
This ordinance shall take effect 30 days following its publication after adoption.

Motion by: David Houdek  
Second by: Linda Poland

Aye: Dennis Hessey, Linda Poland, David Houdek, Robert Kuehnle, and James Karr  
Nay:

Supervisor declares motion carried: yes

Date adopted: May 13, 2003  
Date published: May 25, 2003  
Date effective: June 24, 2003

	<u>5-13-03</u>
Bangor Township Supervisor	Date
	<u>6-24-03</u>
Bangor Township Clerk	Date